

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN GARCIA-ESPINOZA, on behalf of :
himself and other persons similarly situated, :

Plaintiffs, :

-against- :

JP RESTAURANT CORP., d/b/a CARMINE'S :
ITALIAN SEAFOOD RESTAURANT, :

Defendants. :
-----X

CV: 07-8330(LAK)(AJP)

**ATTORNEY DECLARATION
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS**

I, Scott Michael Mishkin, hereby declare:

1. I am a member of the Firm of Scott Michael Mishkin, PC., located at One Suffolk Square, Suite 240, Islandia, New York 11749, attorney for Defendant, JP Restaurant Corp., d/b/a Carmine's Italian Seafood Restaurant ("Defendant" or "Carmines"). I am admitted to practice before this Court.

2. I submit this Declaration in Support of Defendant's Motion to Dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

3. Attached hereto as Exhibit 1, is Plaintiff's Complaint against Defendant, upon which Defendant relied in this Motion.

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Islandia, New York
October 31, 2007

_____/s/_____
Scott Michael Mishkin, Esq.